



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, मंगलवार, १८ अप्रैल, १९७८/२८ चैत्र, १९००

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हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATIONS

*Simla-2, the 13th April, 1978*

No. LLR-D (6) 23/77.—The Public Wakfs (Extension of Limitation)  
(Himachal Pradesh Amendment) Bill, 1977 (Bill No. 21 of 1977) after

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having received the assent of the President of India on the 29th March, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 13 of 1978 for the information of general public.

Act No. 13 of 1978.

**THE PUBLIC WAKFS (EXTENSION OF LIMITATION)  
(HIMACHAL PRADESH AMENDMENT) ACT, 1977**

AN

ACT

*further to amend the Public Wakfs (Extension of Limitation) Act, 1959  
(Act No. 29 of 1959) in its application to the State of Himachal Pradesh.*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Wakfs (Extension of Limitation) (Himachal Pradesh Amendment) Act, 1977.

Short title,  
extent and  
commence-  
ment.

(2) It extends to whole of the State of Himachal Pradesh.

(3) It shall be deemed to have come into force with effect from the 1st day of January, 1975.

2. In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959, in its application to the State of Himachal Pradesh, for the words, figures and letters "the 31st day of December, 1974", occurring therein, the words, figures and letters, "the 31st day of December, 1978", shall be substituted.

Amendment  
of section  
3 of Central  
Act No. 29  
of 1959.

3. (1) The Public Wakfs (Extension of Limitation) (Himachal Pradesh Amendment) Ordinance, 1977, is hereby repealed.

Repeal and  
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had come into force on 27th day of September, 1977.

*Simla-2, the 13th April, 1978*

**No. LLR-D (6) 23/77.**—The Himachal Pradesh Ayurvedic and Unani Practitioners (Amendment) Bill, 1977 (Bill No. 29 of 1977) after having received the assent of the President of India on the 27th March, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 14 of 1978 for the information of general public.

JAICHAND MALHOTRA,  
*Secretary.*

Act No. 14 of 1978.

**THE HIMACHAL PRADESH AYURVEDIC AND UNANI  
PRACTITIONERS (AMENDMENT) ACT, 1977**

AN

ACT

*to amend the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968 (Act No. 21 of 1968).*

It is hereby enacted by the Legislative Assembly of the Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Ayurvedic and Unani Practitioners (Amendment) Act, 1977.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. In section 3 of the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968 (hereinafter referred to as the principal Act) the following amendments shall be carried out:—

Amendment  
of section 3.

“(a) in clause (b) of sub-section (1) for the words “five members” the words “three members” shall be substituted;

(b) in clause (c) of sub-section (1) for the words “eleven members”, the words “five members” and for the word “seven”, the word “three” shall be substituted;

(c) in sub-section (4) for the word “eleven” occurring between the words “The” and “seats” the word “five” shall be substituted; and after the word “one” and before the sign “.” occurring at the end of proviso to sub-section (4) the words “and at least one seat will be provided for Unani System” shall be inserted;

(d) in sub-section (6) for the words “two years” occurring between the words “exceeding” and “from” the words “seven years” shall be substituted and shall be deemed always to have been substituted.”

3. In sub-section (3) of section 12 of the principal Act for the words “Seven members” the words “Five members” shall be substituted.

Amendment  
of section  
12.

4. In sub-section (4) of section 15 of the principal Act for the sign “.” occurring at the end the sign “:” shall be substituted and thereafter the following proviso and sub-section (5) shall be inserted and shall be deemed always to have been inserted, namely:—

Amendment  
of section  
15.

“Provided that in the case of persons who were registered under the Punjab Ayurvedic and Unani Practitioners Act, 1963 and have to be re-entered under this sub-section shall be liable for payment of such fee as may be prescribed in this behalf.

(5) The registration of persons entered in the register under this section shall be valid for a period of three years from the date of entry in the register and after every three years, it shall be renewable on payment of such fee in such manner as may be prescribed in this behalf.”

## हिमाचल प्रदेश विधान सभा सचिवालय

## अधिसूचना

शिमला-171004, 13 अप्रैल, 1978

संख्या 1-23/78-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिय एवं कार्य संचालन नियमावली के नियम 135 के अन्तर्गत, हिमाचल प्रदेश अर्बन रेंट कंट्रोल (अमैन्डमेंट) बिल, 1978 (बिल नं० 16 आफ 1978) जो हिमाचल प्रदेश विधान सभा में 12 अप्रैल, 1978 को पुरःस्थापित किया गया, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है ।

वेद प्रकाश,  
सचिव ।

Bill No. 16 of 1978.

**THE HIMACHAL PRADESH URBAN RENT CONTROL  
(AMENDMENT) BILL, 1978**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*further to amend the Himachal Pradesh Urban Rent Control Act, 1971  
(Act No. 23 of 1971).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Urban Rent Control (Amendment) Act, 1978.

Short title  
and  
commence-  
ment.

(2) It shall come into force at once.

2. For existing clause (d) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1971 (hereinafter called the principal Act), the following clause (d) shall be substituted, namely:—

Amendment  
of section 2.

“(d) ‘non-residential building’ means a building being used,—

- (i) mainly for the purpose of business or trade; or
- (ii) partly for the purpose of business or trade and partly for the purpose of residence, subject to the condition that the person who carries on business or trade in the building resides there:

Provided that if a building is let out for residential and non-residential purpose separately to more than one person, the portion thereof let out for the purpose of residence shall not be treated as a non-residential building.

*Explanation.*—Where a building is used mainly for the purpose of business or trade, it shall be deemed to be a non-residential building even though a small portion thereof is used for the purpose of residence.”

3. After section 28 of the principal Act, the following section 29, along with its heading, shall be added, namely:—

Addition of  
section 29.

“29. *Special provisions relating to certain proceedings.*—Notwithstanding anything to the contrary contained in this Act, the provisions of clause (d) of section 2, as amended by the Himachal Pradesh Urban Rent Control (Amendment) Act, 1978, shall apply to all proceedings, under the East Punjab Urban Rent Restriction Act, 1949 or under this Act, pending, at the commencement of the said amendment, before a Rent Controller, an appellate authority or the High Court exercising revisional jurisdiction”.

## STATEMENT OF OBJECTS AND REASONS

As per existing definition of non-residential buildings given in the Himachal Pradesh Urban Rent Control Act, 1971, the landlords are getting the buildings vacated, which are being used partly for residence and partly for business, as the definition of non-residential building clearly says that it means a building being used solely for the purpose of business or trade. In our towns buildings are mostly shop-cum-flats so under the garb of this clause, tenants are facing eviction. It is, therefore, proposed that the Himachal Pradesh Urban Rent Control Act, 1971, be amended to include suitable provision by replacing the existing definition/provision, so that the eviction, on the score that the building is being used partly for residence and partly for business cannot be effected. In view of the fact that a good number of petitions for the eviction of tenants from such commercial premises are pending before the courts, as such it has also been decided to make the provision in the said Act, so that the pending matters could also be disposed of in accordance with the amended provisions.

This Bill seeks to achieve the aforesaid objects.

DAULAT RAM CHAUHAN,  
*Minister-in-charge.*

SIMLA:

The , 1978.

## FINANCIAL MEMORANDUM

No extra expenditure will be borne by the State Government for implementing the provisions of the Bill.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil